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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHANEL, INC., a New York corporation,) Case No. CV 14-cv-03105-JSW
Plaintiff,)
v.) **PLAINTIFF'S UNILATERAL CASE
MANAGEMENT STATEMENT AND
[PROPOSED] ORDER**
JESSICA GAUL, an individual, GAUL) Date: January 16, 2015
INNOVATIONS, LLC, a limited liability) Time: 11:00 a.m.
company, d/b/a KAYDEN GRACE) Dept.: CR 5, 2nd Floor
DESIGNS a/k/a) Judge: Jeffrey S. White
KAYDENGRACEDESIGNS.COM,)
KAREN K. GUPTON a/k/a KAREN)
KEARNEY GUPTON, an individual, d/b/a)
THE TRENDY BABY a/k/a)
THETRENDYBABY.COM, MARGARET)
MALTO, an individual, d/b/a)
LUNABELLE BOUTIQUE a/k/a)
LUNABELLEBOUTIQUE.COM, and Does)
1-10,)
Defendants.)

Plaintiff Chanel, Inc. ("Plaintiff" or "Chanel") submits this Unilateral Case Management Statement and [Proposed] Order pursuant to the Standing Order for All Judges of the Northern District of California dated August 25, 2014, Civil Local Rule 16-9, and this Court's Order dated October 30, 2014 (ECF 59).

Chanel is submitting this Case Management Conference Statement on a unilateral basis because no active Defendants currently remain in this matter. On October 28, 2014, this Court entered a Stipulated Consent Judgment and Permanent Injunction with respect to Defendants Jessica Gaul, an individual, Gaul Innovations, LLC, a limited liability company, d/b/a Kayden Grace Designs a/k/a kaydengracedesigns.com (“Defendant Gaul”). (ECF 56). On January 8, 2015, this Court entered a Stipulated Consent Final Judgment and Permanent Injunction entered with respect to Defendant Margaret Malto, an individual, d/b/a Lunabelle Boutique, a/k/a lunabellboutique.com (ECF 64).

The only other remaining Defendant is Karen K. Gupton a/k/a Karen Kearney Gupton, an individual, d/b/a The Trendy Baby a/k/a thetrendybaby.com (“Defendant Gupton”). On October 29, 2014 Chanel filed a Motion for Entry of Final Default Judgment against Defendant Gupton which is scheduled to be heard on January 15, 2015 before Magistrate Judge Kandis A. Westmore (ECF 57, 62) (a day prior to the Case Management Conference).

Accordingly, Plaintiff Chanel unilaterally submits its Case Management Statement which references Defendant Gupton only as the Court has yet to enter Judgment against her.

1. Jurisdiction & Service

The claims alleged in Plaintiff's first amended complaint arise under the Trademark Act, 15 U.S.C. § 1114 and §1125(a) for trademark infringement and counterfeiting and false designation of origin. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338. This Court has personal jurisdiction over Defendant Gupton, because she purposely directed her illegal activities towards this forum by entering into a drop shipping agreement with Defendant Gaul to ship counterfeit Chanel Goods from the Northern District of California, and by advertising, promoting, and offering for sale counterfeit Chanel Goods within the State of California. Venue in the Northern District of California is proper pursuant to 28 U.S.C. § 1391(b).

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1 **2. Facts**

2 Plaintiff alleges that Defendant Gupton engaged in the intentional and willful
3 manufacture, distribution, promotion and/or sale of, among other things, shoes, and other
4 goods bearing the Plaintiff's trademarks identified in Paragraph 12 of the First Amended
5 Complaint.

6 **3. Legal Issues**

7 Not applicable in view of Defendant Gupton's default.

8 **4. Motions**

9 As of the submission of this Unilateral Case Management Statement, the only motion
10 pending before this Court is Plaintiff's Motion for Final Default Judgment and Permanent Injunction
11 against Defendant Gupton which is scheduled to be heard on January 15, 2015 (ECF 57, 62).

12 **5. Amendment of Pleadings**

13 At this time, the Plaintiff does not anticipate adding any additional parties or amending its
14 claims. Plaintiff proposes that the last day to amend the pleadings and the last day to join additional
15 parties shall be 90 days from the date of the case management conference.

16 **6. Evidence Preservation**

17 Plaintiff is in compliance with evidence preservation.

18 **7. Disclosures**

19 Not applicable in view of Defendant Gupton's default.

20 **8. Discovery**

21 Not applicable in view of Defendant Gupton's default.

22 **9. Class Actions**

23 Not applicable.

24 **10. Related Cases**

25 None.

26 **11. Relief**

27 As detailed in its Motion for Final Default Judgment, pursuant to 15 U.S.C. § 1117 (c), has

1 requested an award of statutory damages, and entry of a permanent injunction against Defendant
2 Gupton.

3 **12. Settlement and ADR**

4 Settlement: To date, Plaintiff and Defendant Gupton have not engaged in any informal
5 settlement negotiations.

6 ADR Plan: Not applicable in view of Defendant Gupton's default.

7 Plaintiff has filed its ADR Certification attesting to those matters set forth at ADR Local
8 Rule 3-5(b).

9 **13. Consent to Magistrate Judge For All Purposes**

10 YES X NO

11 **14. Other References**

12 This case is not suitable for reference to binding arbitration, a special master or the Judicial
13 Panel on Multidistrict Litigation.

14 **15. Narrowing of Issues**

15 Not applicable in view of Defendant Gupton's default.

16 **16. Expedited Trial Procedure**

17 Not applicable.

18 **17. Scheduling**

19 Not applicable in view of Defendant Gupton's default.

20 **18. Trial**

21 Not applicable in view of Defendant Gupton's default.

22 **19. Disclosure of Non-party Interested Entities or Persons**

23 Plaintiff has filed the "Certification of Interested Entities or Persons" required by Civil Local
24 Rule 3-16.

25 **20. Professional Conduct**

26 Counsel for Chanel has reviewed the Guidelines for Professional conduct for the Northern
27 District of California.

1 **21. Other**

2 Plaintiff does not identify any other issues affecting case management.

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4 Dated: January 9, 2015

KELLER, SLOAN, ROMAN & HOLLAND LLP

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6 By: _____/S/
7 Anne E. Kearns
8 Attorneys for Plaintiff Chanel, Inc.

9 **[PROPOSED] CASE MANAGEMENT ORDER**

10 The above UNILATERAL CASE MANAGEMENT STATEMENT & PROPOSED ORDER
11 is approved as the Case Management Order for this case and all parties shall comply with its
12 provisions. [In addition, the Court makes the further orders stated below:]

13 **IT IS SO ORDERED.**

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15 Dated: _____

16 JEFFREY S. WHITE
17 UNITED STATES DISTRICT COURT JUDGE

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1 PROOF OF SERVICE

2 CHANEL, INC. v. JESSICA GAUL, ET AL.
3 USDC-N, CASE NO.: 14-cv-03105-JSW

4 I, the undersigned, declare under penalty of perjury under the laws of the State of California
5 that the following is true and correct:

6 I am employed in the City and County of San Francisco, State of California, in the office of
7 a member of the bar of this court, at whose direction the service was made. I am over the age of
8 eighteen (18) years and not a party to or interested in the within-entitled action. I am an employee
9 of **KELLER, SLOAN, ROMAN & HOLLAND LLP**, and my business address is 555 Montgomery
10 Street, 17th Floor, San Francisco, California 94111.

11 On January 9, 2015, I served following document(s)

12 **PLAINTIFF'S UNILATERAL CASE MANAGEMENT STATEMENT AND**
13 **[PROPOSED] ORDER**

14 on the person(s) listed below:

15 Karen K. Gupton,
16 aka Karen Kearney Gupton, an individual,
17 dba The Trendy Baby, aka thetrendybaby.com
18 2425 Stately Oaks Drive
19 Raleigh, NC 27614

20 Defendant Karen K. Gupton aka Karen Kearney
21 Gupton, an individual, dba The Trendy Baby aka
22 thetrendybaby.com

23 The document(s) were served by the following means:

24 **By PERSONAL SERVICE.** I personally delivered the documents to the persons at the
25 addresses listed above. (1) For a party represented by an attorney, delivery was made to
26 the attorney or at the attorney's office by leaving the document in an envelope or package
27 clearly labeled to identify the attorney being served with a receptionist or an individual in
28 charge of the office. (2) For a party, delivery was made to the party or by leaving the
documents at the party's residence with some person not less than 18 years of age
between the hours of 8:00 a.m. and 6:00 p.m.

By UNITED STATES MAIL. I enclosed the documents in a sealed envelope or
package addressed to the persons at the addresses listed above; and (1) deposited the
sealed envelope with the United States Postal Service, with the postage fully prepaid; or
(2) placed the envelope for collection and mailing, following our ordinary business
practices. I am readily familiar with this business practice for collecting and processing
correspondence for mailing. On the same day that correspondence is placed for collection
and mailing, it is deposited in the ordinary course of business with the United States
Postal Service, in a sealed envelope with postage fully prepaid.

PROOF OF SERVICE

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

3 **By OVERNIGHT DELIVERY.** I enclosed the documents in an envelope or package
4 provided by an overnight delivery carrier and addressed to the persons at the addresses
 listed above. I placed the envelope or package for collection and overnight delivery at an
 office or a regularly utilized drop box of the overnight delivery carrier.

6 **By MESSENGER SERVICE.** I served the documents by placing them in an envelope
7 or package addressed to the person at the address listed above and providing them to a
professional messenger service for service. (*A declaration by the messenger must
accompany this Proof of Service or be contained in the Declaration of Messenger below.*)

9 **By FAX TRANSMISSION.** Based on an agreement of the parties to accept service by
10 fax transmission, I faxed the documents to the persons at the fax numbers listed above.
11 No errors were reported by the fax machine that I used.

11 **By E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court order or an
12 agreement of the party to accept service by e-mail or electronic transmission, I caused the
13 documents to be sent to the persons at the e-mail addresses listed above. I did not
receive, within a reasonable time after the transmission, any electronic messages or other
indication that the transmissions were unsuccessful.

15 I declare under the penalty under the laws of the State of California that the foregoing is
true and correct.

Dated: January 9, 2015

Anna Lane

Anna Lau